

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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HIGHWAY MATERIALS, INC.,

Plaintiff,

v.

WHITEMARSH TOWNSHIP, et al.,

Defendants.

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CIVIL ACTION

NO. 02-3212

**ORDER**

AND NOW, this 11th day of December, 2002, upon consideration of the Motion to Dismiss filed by Defendant Thomas Zarko (Dkt. No. 14) and any responses thereto, it is hereby **ORDERED** that said motion is **DENIED IN PART and GRANTED IN PART**. All claims brought by Plaintiff Highway Materials, Inc. against Thomas Zarko as an individual are hereby **DISMISSED** as agreed to by Plaintiff. See Plaintiff's Mem. of Law in Opp. to Def. Thomas Zarko's Mot. to Dismiss, 11 FN 1.

BY THE COURT:

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ROBERT F. KELLY, Sr. J.